

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MILLER INVESTMENT TRUST and JURA  
LIMITED,

Plaintiffs,

v.

KPMG, a Hong Kong Partnership,

Defendants.

3:14-CV-00133-LRH-VPC

ORDER

Before the Court is Plaintiffs Miller Investment Trust and Jury Limited's ("Plaintiffs") Motion to File Complaint Under Seal. Doc. #2.<sup>1</sup>

As an initial matter, the Court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2005). Specifically, a party must "articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations omitted).

<sup>1</sup> Refers to the Court's docket number.


1 Here, Plaintiffs' Complaint cites facts drawn from documents marked "Confidential" or  
2 "Highly Confidential." These documents were obtained by third parties and produced to Plaintiffs  
3 pursuant to two protective orders. By designating these documents "Confidential" or "Highly  
4 Confidential," these third parties have represented that the documents contain information whose  
5 public disclosure may cause them harm. Specifically, Plaintiffs reference documents that reveal  
6 third-party internal business information and statistics, auditing practices and pricing information,  
7 trade secrets, proprietary information, and internal financial information.

8 The Court has reviewed the documents and pleadings on file in this matter and finds that  
9 there are compelling reasons to seal the facts drawn from documents designated "Confidential" and  
10 "Highly Confidential." *See Network Appliance, Inc. v. Sun Microsystems Inc.*, No. C-07-06053  
11 EDL, 2010 WL 841274, at \*2 (N.D. Cal. Mar. 10, 2010) (finding that "there are compelling  
12 reasons for sealing this [information] in light of the confidential nature of the information and the  
13 competitive harm to third parties if the confidential information were disclosed"). Accordingly, the  
14 Court concludes that Plaintiffs have satisfied their burden of demonstrating compelling reasons for  
15 filing their Complaint under seal.

16  
17 IT IS THEREFORE ORDERED that Plaintiffs' Motion to Seal (Doc. #2) is GRANTED.

18 IT IS SO ORDERED.

19 DATED this 31st day of March, 2014.

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21   
22 LARRY R. HICKS  
23 UNITED STATES DISTRICT JUDGE  
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